THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 27644 of 2007

O r d e r:

The petitioner, who is the President of Govada Primary Agricultural Society, has filed this writ petition assailing the notice of no-confidence motion dated 07.12.2007 contending that the same has been issued by respondent No.2 in violation of the proviso appended to Rule 24-A(3) of the A.P. Co-operative Societies Rules, 1964.

The learned counsel for the petitioner submits that the area of operation of respondent No.3-Govada Primary Agricultural Society (hereinafter referred to as 'the Society') covers six villages, namely Govada, Amberupuram, Venkannapalem, Ganduvatam, Adderu, Duddupalen and Vaivaiti hamlet of the villages. As per the provisions of Rule 24-A(3) of the A.P. Co-operative Societies Rules, 1964 (hereinafter referred to as 'the Rules') and the proviso appended thereto, the copy of the notice shall be affixed on the notice board of the society and also on the notice board of the office of the Registrar, and if the area of operation of the society extends to more than one Panchayat or Mandal, the notice of no confidence shall be affixed on the notice boards of all the Panchayat Offices or Mandal Offices. It is the case of the petitioner that respondent No.3, except affixing the copy of the notice of no confidence motion on the notice board of Govada Gram Panchayat, has neither affixed the copies of the same on the notice boards of other five Gram Panchayats nor on the notice boards of the Registrar nor the Mandal Offices, and since there is incomplete service of notice, the impugned notice of no confidence is liable to be set aside.

On the other hand, the learned Assistant Government Pleader for Co-operation appearing on behalf of respondent Nos. 1 and 2 submitted that Rule 24-A(2) of the Rules contemplates effecting of service of notice in any of the modes mentioned therein. Respondent No. 2, apart from effecting service of notice of no confidence by sending it by registered post to the address of all the Directors as provided under Rule 24-A(2)(b) of the Rules, has also effected service of notice by affixing/displaying the same on the notice board of respondent No.3-Society as also Govada Gram Panchayat. The petitioner having failed to show any prejudice having been caused to her by non-affixation of the notice on the notice boards of all the Gram Panchayats, cannot be allowed to contend that the impugned notice of no confidence, is liable to be set aside.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Co-operation for respondent Nos. 1 and 2.

Rule 22-A(2) of the Rules provides for service of notice in any of the modes mentioned therein – (a) by giving or tendering it to such person; or (b) by sending it by registered post to their addresses, and apart such effective of service of notice,

Rule 22-A(3) of the Rules, provides the notice shall be affixed on the notice board of the society and also on the notice board of the Office of the Registrar, and if the area of society extends to more than one Panchayat or Mandal Office, the notice shall be affixed in all Panchayat Offices or Mandal Offices.

The persons who are entitled to participate in the meeting of no confidence and vote either in favour or against the motion, the petitioner cannot dispute, are the Directors of the society, and it is submitted by the learned Assistant Government Pleader and admitted

to by the learned counsel for the petitioner, that notice of no confidence was served on all the Directors of the society, including the petitioner, who happens to be its President, and against whom the impugned motion of no confidence has been moved, and that it was also affixed on the notice board of the society, where it .

No doubt the area of operation of respondent No.3-society extends to six villages, and as per the proviso appended to
Rule 24-A(3) of the Rules, the notice shall be affixed in the notice boards of all the Gram Panchayats, but inasmuch as it is the admitted case of the petitioner that all the persons who are eligible to participate and vote for or against the motion, were served with the notice within time, and that the notice was also affixed on the notice board of the society for information of all the members. The petitioner, against whom the motion of no confidence has been moved, having failed to show any prejudice having been caused to her by non-affixation of the notice on the notice boards of all the village Gram Panchayats, to which areas the operations of the society extend, cannot be allowed to contend that the impugned notice of no confidence, has to be set aside.

There is no merit in the writ petition, and the same is accordingly dismissed.

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N.V. RAMANA, J.

Date: 27th December, 2007.
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